

Exhibit 90 to the Cobb Declaration

(Dkt. No. 316-6)

REDACTED

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1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

3 IN RE VALVE ANTITRUST) Case No.
4 LITIGATION) 2:21-cv-00563-JCC
5)
6

7 VIDEO-RECORDED 30(B)(6) DEPOSITION

8 UPON ORAL EXAMINATION OF

9 MICROSOFT CORPORATION

10 AARON GREENBERG

11 VIA ZOOM

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13

14 9:05 A.M.

15 JANUARY 30, 2024

16 WITNESS LOCATED IN: SEATTLE, WASHINGTON
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24 REPORTED BY: BETSY E. DECATER, RPR, CCR 3109
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1 and your job is to provide us truthful and complete
2 answers as you can based on your recollection and the
3 knowledge within Microsoft. I just ask that we try not
4 to talk over one another as is natural, as is happens in
5 natural conversation, just so that the court reporter
6 can be sure to get down what each one of us is saying,
7 which becomes very difficult if we're having sort of a
8 normal conversation.

9 Do you understand that you have taken an oath to
10 testify as you would in a court of law?

11 A. Yes, I do.

12 Q. Are you taking any medications or is there any
13 other reason that you may be unable to recall facts
14 today?

15 A. No.

16 Q. With respect to your deposition in the FTC versus
17 Microsoft and Activision matter, did any of that
18 testimony concern Valve?

19 A. I do not believe so, no.

20 Q. You also understand that you have been designated
21 by Microsoft Corporation as its representative to
22 testify not just as to your own personal knowledge but
23 as to the reasonably obtainable knowledge within
24 Microsoft, the company, on certain topics?

25 A. Yes, I do.

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1 MR. KAPOOR: Noah, if you've got -- I guess
2 it's already marked as Exhibit 435, if you could share
3 that, or re-share it.

4 MR. BRECKER-REDD: Doing that now.

5 Q. (BY MR. KAPOOR) Mr. Greenberg, just let me know
6 when you can see the exhibit on the screen or in paper
7 form if you've got it that way.

8 A. Yeah. I have it here in front of me.

9 Q. Now, if I could just direct your attention to the
10 last page, which has the heading Topics for Rule
11 30(B)(6) Deposition. And my question is just for which
12 topics have you been designated by Microsoft to testify?

13 A. That would be topics 5, 6, 7 and 8.

14 Q. What did you do to prepare yourself to testify
15 today with not just your own personal knowledge but with
16 the knowledge reasonably obtainable within Microsoft on
17 each of these topics? And if it -- you know, if it
18 differs from topic to topic, let us know.

19 A. Okay. In preparation for today, I reviewed the
20 subpoena, I reviewed our two master agreements that
21 we've had with Valve, and I also met with four
22 individuals that had experience and expertise in this
23 area to make sure that I had all my facts so that I
24 could accurately answer your questions today.

25 Q. And who were the four individuals with whom you

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1 met? And, again, if they had particular knowledge or
2 expertise about a particular topic, I'd appreciate your
3 identifying that as well.

4 MR. CHIAPPETTA: Objection; compound.

5 A. I can answer who I met with? Okay. So I met
6 with [REDACTED], I met with [REDACTED], I met with
7 [REDACTED] and I met with [REDACTED].

8 Q. (BY MR. KAPOOR) I'm sorry, did you say [REDACTED]
9 [REDACTED]?

10 A. Oh, [REDACTED] -- sorry [REDACTED]

11 Q. [REDACTED]?

12 A. Yep.

13 Q. Oh, like Wyatt Earp?

14 A. I think it's like [REDACTED], but I would want to
15 verify that for sure. That's my understanding. That's
16 what I recall her last name being spelled as.

17 Q. And were they all knowledgeable about all of the
18 topics 5, 6, 7 and 8, or did some have knowledge about
19 some topics and others had knowledge about other topics?

20 MR. CHIAPPETTA: Objection; compound. You
21 may answer.

22 A. I -- I didn't specifically ask them about each of
23 the numbered topics. It was more trying to fill in gaps
24 of knowledge for me just to be helpful so that I could
25 fully and accurately testify.

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1 Q. (BY MR. KAPOOR) Approximately how long did you
2 meet with them?

3 A. I think most of the conversations were about 30
4 minutes, or sometimes a little bit less.

5 Q. Okay. About how many conversations did you have?

6 A. Just one with each of them.

7 Q. Was it -- so four conversations with one each
8 separately?

9 A. The conversation with [REDACTED] and [REDACTED]
10 was together, and the conversation with [REDACTED] was
11 separately and the conversation with [REDACTED] was
12 separately.

13 Q. Do you know what each of their positions are
14 within Microsoft?

15 A. Yes.

16 Q. What is [REDACTED] position?

17 A. [REDACTED] is -- works in our release
18 management side and he works directly with Valve and our
19 studio teams on releasing our games on Steam, more in an
20 operational kind of manner.

21 Q. And what is [REDACTED] position?

22 A. [REDACTED] is a business planner and he's on my
23 marketing team.

24 Q. How about [REDACTED]?

25 A. [REDACTED], she is part of our Bethesda team,

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1 sales team, and she also works with Valve and Steam
2 around PC games.

3 Q. [REDACTED], not [REDACTED]?

4 A. Exactly, yeah. Yeah.

5 Q. And how about [REDACTED]?

6 A. [REDACTED] is part of our sales organization and
7 works with our store.

8 Q. When you say "your store," the Microsoft Store?

9 A. Right.

10 Q. Is he part of the sales organization for a
11 particular game studio within Microsoft or is he with
12 Microsoft Store?

13 A. He's with the Microsoft Store team.

14 Q. And last but not least, what is your position?

15 A. I'm the vice president of games marketing, and I
16 focus on working with our first-party studios.

17 Q. How long have you held that position?

18 A. I've been in this current position for about ten
19 years.

20 Q. And do you recall how long [REDACTED] --

21 [REDACTED], sorry, has been in release management and
22 particularly working with Valve?

23 A. As I recall, he's been doing that at least for, I
24 want to say, the last five years, perhaps longer.

25 Q. Do you recall how long [REDACTED] has been in his

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1 role in the Microsoft Store?

2 A. I'll say about the same amount of time.

3 Q. I'd first like to talk about Topic 5. I'll just
4 read it into the record: "Microsoft's interpretation of
5 or compliance with Valve's official or unofficial
6 pricing policies or rules, including but not limited to
7 Valve's PMFN and other restrictions on PC game
8 publishers seeking to offer different prices on rival
9 platforms like the Microsoft Store."

10 MR. KAPOOR: And, Noah, if you could please
11 put up in the Exhibit Share what we call Tab 3. The
12 Bates number -- and Bates number, Mr. Greenberg, again,
13 to remind you, is the alphanumeric numbers on the bottom
14 right, which are a unique identifier for every document
15 in litigation. And this one bears the Bates Stamp
16 MSFT_VALVE_0000000001 through 15.

17 MR. KAPOOR: And for the record, I guess
18 we'll mark this as Exhibit 436.

19 Q. (BY MR. KAPOOR) It is a fairly extensive e-mail
20 chain, it goes on for about 15 pages, among a number of
21 individuals. And you should feel free to read the
22 entirety of it, skim it only so that you recognize the
23 context and what the document is. And I'm specifically
24 going to ask you about an e-mail from [REDACTED] to
25 [REDACTED], [REDACTED], [REDACTED], copying a couple

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1 other addresses. And this is on page 7 and he sends the
2 e-mail -- he sends the e-mail Monday, August 5th of
3 2019.

4 MR. CHIAPPETTA: I suggest you take the time
5 to review the entirety of the document at least for
6 context.

7 THE WITNESS: I'll do that now.

8 MR. KAPOOR: Let us know when you're ready.

9 A. (Witness reviewing document.) Okay. I've
10 reviewed it.

11 Q. (BY MR. KAPOOR) And just directing your
12 attention to that page 7, in the first bullet point Mr.
13 [REDACTED] writes -- well, first I should ask you, did you
14 go over this e-mail with [REDACTED] when you talked to
15 him to prepare for today's deposition?

16 MR. CHIAPPETTA: Counsel, for clarification,
17 by "this e-mail," do you mean the entire string or the
18 specific e-mail that you just called out?

19 MR. KAPOOR: No, just the specific e-mail I
20 called out.

21 A. Yes, I believe I did.

22 Q. (BY MR. KAPOOR) So he writes, "You should work
23 with [REDACTED] on Steam publish req's." Is that
24 shorthand for publication requirements?

25 A. Yes.